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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,323	07/30/2001	Mark A. Kirkpatrick	20009.0107US01(01091)	9192
45695 7590 10/19/2007 WITHERS & KEYS FOR BELL SOUTH P. O. BOX 71355 MARIETTA, GA 30007-1355			EXAMINER NAWAZ, ASAD M	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/916,323

Applicant(s)

KIRKPATRICK ET AL.

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 26-45 is/are allowed.
- 6) ☒ Claim(s) 15-25 is/are rejected.
- 7) ☐ Claim(s) 26-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendments received 8/7/07. Claims 15-45 were amended. Claims 1-14 and 46-62 were previously canceled. Accordingly, claims 15-45 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 15-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is unclear what is meant by "configuration variable data to one of the client application servers".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weschler (USPAT 6,757,720) further in view of Wischinski (USPAT 6,801,920) and Uhler et al (USPAT 7,089,560).

As to claim 15, Weschler teaches an application properties server network comprising: a plurality of client application servers operating applications using a plurality of computer protocols and requiring configuration variable data to configure the applications for operation (col 1, lines 49-67; col 9, lines 3-15);

means for interfacing an applications properties server with each of the client applications servers and for creating a plurality of configurable properties server with each of the plurality of client application server objects is configured to one of the client application servers in a round-robin fashion (col 10, lines 41-65).

However, Weschler does not explicitly indicate wherein the means for storing and maintaining comprises at least an APP table that maintains an entry for each application, a version table that maintains a entry for each version under each application, an APARM table that contains key configuration variable data pairs associated with each version, and wherein the configuration request includes an application id and a key where the key is a data string that identifies the configuration variable data being requested..

Wichinski teaches means for storing and maintaining comprises at least an APP table that maintains an entry for each application, a version table that maintains a entry for each version under each application and an APARM table that contains key value pairs (col 3, line 62 to col 4, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Wichinski into those of Weschler to make the system better organized. Maintaining separate tables would allow for easier and more precise access to desired information, thus improving the overall system.

However Wichinski and Weschler do not teach means for interfacing each of the configurable properties server objects with the means for storing and maintaining a system of configuration variable data; and means for performing configuration services via the plurality of configurable properties server objects in response to configuration requests from said plurality of client application servers, said configuration services including providing configuration variable data to one of the client application servers in response to receiving an request for configuration variable data from the one client application servers, wherein the configuration request includes at least an application ID and a key, wherein further the key is a data string that identifies the configuration variable data being requested.

Uhler teaches means for interfacing each of the configurable properties server objects with the means for storing and maintaining a system of configuration variable data; and means for performing configuration services via the plurality of configurable properties server objects in response to configuration requests from said plurality of client application servers, said configuration services including providing configuration variable data to one of the client application servers in response to receiving an request for configuration variable data from the one client application servers, wherein the configuration request includes at least an application ID and a key, wherein further the

Art Unit: 2155

key is a data string that identifies the configuration variable data being requested (col 7, lines 47-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Wichinski into those of Weschler to make the system better organized.

As to claim 16, Weschler teaches a server of claim 15 wherein said means for interfacing said plurality of client application servers to said means for performing configuration services includes a CORBA server application (col 8, lines 21-43).

Allowable Subject Matter

1. Claims 17-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 26-45 are allowed.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2155

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMN


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER